

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2005-172-S - ORDER NO. 2006-171
MARCH 20, 2006

IN RE: Petition of Midlands Utility, Inc. for a Sanitary) ORDER APPROVING
Sewer Service Area Extension to Serve The) WAIVING NOTICE AND
Belmont Park Subdivision (Phase I & II, 64) HEARING AND
Lots, 19,200 gallons per day)) APPROVING
) EXTENSION OF
) TERRITORY

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition of Midlands Utility, Inc. (Midlands or the Company) for waiver of notice of public hearing and notice requirements for the extension of service to Phase III of the Belmont Park Subdivision in Lexington County. The Office of Regulatory Staff (ORS) opposes the request for waiver of the notice of filing. It is ORS's position that notice as required by 26 S.C. Code Ann. Regs. 103-504 (Supp. 2005) should be provided in this matter.

Midlands notes in its request for waiver that the property is adjacent to parcels currently served by Midlands, and is included in the franchised sewer area granted to Midlands by Lexington County. Midlands states that sewer from the project will be connected to a nearby gravity main and transported through Midlands' existing collection system and transported to the City of Cayce for treatment and disposal.

Midlands is requesting that this project be included in its current service area on file with the Commission. Midlands is requesting that the public hearing and notice requirement be waived since there are no other sewer providers in the area and there are no present customers. In addition, the Commission has approved Phase I and II in the Docket No. 2005-172-S and Order No. 2005-479. Customers that will build or buy in this new development will be charged the Commission-approved rates and charges.

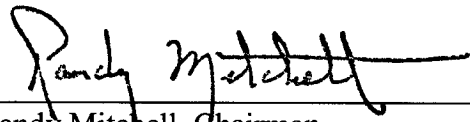
26 S.C. Code Ann. Regs. 103-501 (3) (1976) states that in any case where compliance with any of the rules and regulations introduces unusual difficulty, such rules or regulations may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest. After an examination of the facts of this case, we hold that a waiver of the public hearing and notice requirements for the extension of service by Midlands to Phase III of the Belmont Park Subdivision in Lexington County is proper and should be granted. First, providing notice of public hearing and other notice requirements for extension of service does introduce unusual difficulty, since there are no present customers in the area, and there are no other sewer providers. Further, this Commission has already approved an extension of service to the adjacent Phase I and II of the Belmont Park Subdivision, so Midlands service has already been approved in areas adjacent to the present requested area. We believe waiver of the public hearing and notice requirements is in the public interest in this instance, as is the approval of the extension of service.

Accordingly, we waive the public hearing and notice requirement, as is contained in 26 S.C. Code Ann. Regs. 103-504 (Supp. 2005), and approve the extension of

Midlands' service to Phase III of the Belmont Park Subdivision in Lexington County as requested. We also grant the requisite Certificate, since the extension is in the public interest. Phase III of the Belmont Park Subdivision in Lexington County shall be deemed as part of Midlands Commission approved territory. The Application is approved as filed.


This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Randy Mitchell, Chairman

ATTEST:



G. O'Neal Hamilton, Vice-Chairman

(SEAL)